

By: Ellis

S.B. No. 140

A BILL TO BE ENTITLED

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AN ACT

relating to prohibiting the promotion of certain improper photographs or visual recordings; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.15, Penal Code, is amended to read as follows:

Sec. 21.15. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING.

(a) In this section, "promote" has the meaning assigned by Section 43.21.

(b) A person commits an offense if the person:

(1) photographs or by videotape or other electronic means visually records another:

(A) ~~[(1)]~~ without the other person's consent; and

(B) ~~[(2)]~~ with intent to arouse or gratify the sexual desire of any person; or

(2) knowing the character and content of the photograph or recording, promotes a photograph or visual recording described by Subdivision (1).

(c) ~~[(b)]~~ An offense under this section is a state jail felony.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

1 SECTION 2. This Act takes effect September 1, 2003.